

Minutes
Government Advisory Committee Meeting
Texas Board of Professional Engineers
UT - Joe Thompson Conference Center
2405 Robert Dedman Drive
Room – 3.102
Austin, TX
March 2, 2011 - 10 a.m. – 12 p.m.

Victoria Li, Chair

Minutes were approved: Nancy/Howard

Director of Compliance & Enforcement, C.W. Clark, gave an update on TBPE business, including new board members, and introduced new board member Lamberto “Bobby” Balli.

Legislative Issues: Discussion included input by Deputy Executive Director Priscilla Pipho. There was a discussion of some of the bills that are being tracked by TBPE and some that are being tracked by members of the committee. The group discussed several bills that are currently before the legislature and the effect they would have on local governments.

Of specific interest was the bill by Keffer which would limit the authority of TBPE in enforcing the Engineering Practice Act, including the ability to enforce against employees of a governmental entity, state or local. The participants of the committee believed that the intention of this bill was to assist the city of Brownwood by preventing TBPE from enforcing against them or other municipalities. When the group heard the actual language of the bill, there was a concern that the bill would not be good policy. There was some concern that Keffer misunderstood what the bill would do and that instead of resolving the issue it could create some new ones.

Ms. Li offered to act as a collection point if the group wanted to send her their thoughts so that she could offer advice to the Board about advocating against the bill. It was explained that TBPE cannot lobby the legislature either for or against a bill but can simply act as a resource.

There was discussion about the broader issue of overlap between architects and engineers. Committee members from Brownwood and El Paso were vocal in their frustration that the boards of the two professions can’t seem to agree on when an architect or an engineer is required.

There was discussion about whether to have a motion that would send strong language to the Board to resolve the issue of architecture and engineering overlap. Ms. Li suggested asking TBPE to act as a clearing house for bills that are interest and effect engineering legislation, and send a list of those bills to the Government Advisory Committee

members. It was suggested that TBPE executive assistant be the distributor of this information.

Faithful Agent: The general discussion was around whether there is a need to further define the term faithful agent to give it a clearer definition, based on the ruling by the State Office of Administrative Hearings and direction of the Board to gather input from our stakeholders.

The discussion of the group was generally about whether the term was needed, or if it was already encompassed in other rules. Most seemed to favor the term in general because it is a broad term about ethical practice. The debate seemed to revolve around how to define, why to define, and whether this was more of a business question rather than a regulatory one. Other rules such as those prohibiting fraudulent, unethical, or incompetent practice seemed to be favored.

Input from board staff about the term faithful agent included the comment that using the term faithful agent is useful when an engineer communicates poorly and/or is not a good steward of the client/employer. The term can generally mean when the engineer does not put the client's needs ahead of his/her own.

Chairman Li and member Dr. Wong both suggested the education of the engineering community via the outreach that the board does already. It was suggested that ethics training in the value of good communication could go a long way to prevent problems due to faithful agent. One suggestion was made to consider reading a book entitled *Crucial Conversations* that has research about communication and leadership.

It was requested that TBPE staff send the email again about Faithful Agent and allow a week for input for those who wanted to provide any additional feedback. In absence of additional feedback, the committee did not take any action on the term, other than to encourage input. Most of the voiced opinions were that the term did not add additional value. A date was set for feedback to board staff by March 11.

A discussion was had about competency, along the lines of faithful agent, and whether a board designation of competency could be added to the license. Chair Li offered a suggestion that the board enforcement process be streamlined to make the complaint process easier by not requiring the complainant to provide so much evidence. She said it deters the filing of complaints against engineers by other PEs.

Date minutes approved by the Committee as submitted:	March 23, 2012
Date minutes accepted by the General Issues Committee:	May 24, 2012
Date minutes accepted by the Board:	May 24, 2012